



July 26, 2007

TECHNICAL STAFF REPORT

*Petition Accepted on July 18, 2007
Planning Board Meeting of August 9, 2007
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-91 – Marsha S. McLaughlin, DPZ Director

Request: Request to create a new sub-section (16) in Section 131 N.1.a. *Age-Restricted Adult Housing, General* and a request to create a new sub-section (7) in Section 131.N.1.b. *Age-Restricted Adult Housing, Multi-Plex* to establish a requirement for review by the Design Advisory Panel (DAP) of age-restricted adult housing (ARAH) projects that are required to receive conditional use approval under the provisions of Section 131: *Conditional Uses*.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

A. The Petitioner proposes two amendments to the Zoning Regulations. Each proposed amendment is generally described as follows:

1. The first amendment would create a new sub-section (16) in Section 131 N.1.a. *Age-Restricted Adult Housing, General* to establish a requirement for review by the Design Advisory Panel (DAP) of age-restricted adult housing (ARAH) projects that are required to receive conditional use approval under the provisions of Section 131: *Conditional Uses*.
2. The second amendment would create a new sub-section (7) in Section 131.N.1.b. *Age-Restricted Adult Housing, Multi-Plex* to establish a requirement for review by the Design Advisory Panel (DAP) of age-restricted adult housing (ARAH) projects that are required to receive conditional use approval under the provisions of Section 131: *Conditional Uses*.

B. The reason(s) for the requested amendment(s) to the Zoning Regulations:

1. The purpose of the DAP is to:
 - a. Encourage excellence in site design and architecture
 - b. Promote design compatibility with surrounding development
 - c. Promote revitalization
 - d. Enhance property values

2. Citizens and business leaders first expressed support for the creation of a Howard County Design Advisory Panel (DAP) during the Comprehensive Rezoning related to the US Route 1 Corridor Revitalization process. These leaders were interested in stimulating revitalization and encouraging more attractive and appealing buildings and environment. Positive support has also been expressed in discussions regarding Columbia Downtown and the Route 40 corridor.
3. Age-restricted adult housing projects requiring conditional use approval are appropriate subjects for DAP review, since they are frequently built in or adjacent to existing neighborhoods. Additional professional design expertise for these projects is important, since the compatibility of projects with surrounding neighborhoods and the environmental context are critical as the County continues to grow.
4. As the County becomes built out and redevelopment occurs, such areas benefit from design review. With buildings being in closer proximity to one another, the appearance and functioning of developments become ever more important.

C. The subsections proposed to be amended and the amendment text is as follows (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted):

- a. Create new sub-section (16) in Section 131.N.1.a. *Age-Restricted Adult Housing, General*:

THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE COUNTY CODE, PRIOR TO THE INITIAL SUBMISSION OF THE PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO SHOW COMPLIANCE WITH THIS CRITERIA

- b. Create new sub-section (7) in Section 131.N.1.b. *Age-Restricted Adult Housing, Multi-Plex*:

THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE COUNTY CODE, PRIOR TO THE INITIAL SUBMISSION OF THE PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO SHOW COMPLIANCE WITH THIS CRITERIA

II. EXISTING REGULATIONS

- A. Howard County's Zoning Regulations do not include any provision currently for review by a Design Advisory Panel. Conditional uses are evaluated by the Hearing Examiner to determine consistency with the adopted criteria under Section 131: *Conditional Uses*.
- B. The following sections in the Subdivision regulations of the Howard County Code would also be affected:
 - 1. **HC Code, Sec. 16.1501 – 16.1508. Design Advisory Panel (NEW §).**
 - 2. **HC Code, Sec. 16.145. Sketch plan; preliminary equivalent sketch plan.**
 - 3. **HC Code, Sec. 16.147. Final subdivision plan and final plat.**
 - 4. **HC Code, Sec. 16.156. Procedures.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- 1. The proposed amendments to the Zoning Regulations would only affect those projects for age-restricted adult housing (ARAH) that require conditional uses.
- 2. Certain projects in the US Route 1 Corridor would also be subject to review by the DAP; however, these requirements would be in the Howard County Code (CB-__-2007).
- 3. Improvements along Route 40 and in Columbia Downtown may also be included for review at later dates.

B. Agency Comments

- 1. Economic Development Authority (EDA)
 - No comments submitted.
- 2. Department of Housing and Community Development (DHCD)
 - No comments submitted.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- 1. *General Plan 2000* addresses age-restricted adult housing and related issues under Housing for Seniors and the Disabled (see pp.80-84) and Policy 4.3. Due to concerns expressed recently by communities about the compatibility of senior housing facilities located within existing neighborhoods, the DAP review process

is recommended to promote compatibility based on conditional use criteria adopted in the Zoning Regulations.

B. Relation to the Zoning Regulations

1. The proposed amendments would further the following goals set forth under Section 100 A. *Legislative Intent* in the currently existing Zoning Regulations:

To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations (Section 100.A.2.);

2. The proposed DAP legislation would create an additional component to the plan review process for those ARAH projects, where the County has established specific compatibility requirements that have been adopted by County Council.
3. Changes to the Zoning Regulations as proposed are the minimum required to create the DAP. Standard operating practices and special issues such as exceptions for minor projects, required submittals, timeframes for staff review, meeting minutes and required application deadlines would be set by Rules of Procedure to be developed and adopted following a public hearing by the DAP as are other plan-related processes and procedures.

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-91 be **APPROVED** with the following text changes for clarification:

- a. Create new sub-section (16) in Section 131.N.1.a. *Age-Restricted Adult Housing, General*:

THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE COUNTY CODE, PRIOR TO THE ~~INITIAL~~ SUBMISSION OF THE **CONDITIONAL USE** PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO SHOW COMPLIANCE WITH THIS CRITERIA

- b. Create new sub-section (7) in Section 131.N.1.b. *Age-Restricted Adult Housing, Multi-Plex*:

THE CONDITIONAL USE PLAN AND THE ARCHITECTURAL DESIGN OF THE BUILDING(S) SHALL HAVE BEEN REVIEWED BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH SECTIONS 16.501 THROUGH 16.508 OF THE COUNTY CODE, PRIOR TO THE ~~INITIAL~~ SUBMISSION OF THE CONDITIONAL USE PETITION TO THE DEPARTMENT OF PLANNING AND ZONING. THE PETITIONER SHALL PROVIDE DOCUMENTATION WITH THE PETITION TO SHOW COMPLIANCE WITH THIS CRITERIA

 07/25/07
Marsha S. McLaughlin, Director Date

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The file is available for public review at the Department of Planning and Zoning, George Howard Bldg
3430 Courthouse Drive, Ellicott City Maryland from Monday through Friday, 8:00 a.m. - 5:00 p.m.